

1
2
3
4 ROJELIO A. GUILLEN,
5 Petitioner,
6
7 v.
8 CLARK DUCART,
9 Respondent.
10

11 Case No. [16-cv-03637-WHO](#) (PR)
12

ORDER OF DISMISSAL

13 Dkt. No. 2
14

15 Petitioner Rojelio Guillen failed to comply with the Court's order to (1) file a
16 complete application to proceed *in forma pauperis* ("IFP"), or (2) pay the filing fee of
17 \$5.00. Accordingly, this federal habeas action is DISMISSED without prejudice for
18 failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P.
19 41(b). Because this dismissal is without prejudice, Guillen may move to reopen the action.
Any such motion must contain (1) a complete IFP application, or (2) full payment for the
\$5.00 filing fee.

20 Guillen's motion to proceed IFP (Dkt. No. 2) is DENIED as insufficient.

21 The Clerk shall terminate Dkt. No. 2, enter judgment in favor of respondent, and
22 close the file.

23 **IT IS SO ORDERED.**

24 **Dated:** August 8, 2016

25
26 
27 WILLIAM H. ORRICK
28 United States District Judge